

MINUTES OF THE VILLAGE BOARD MEETING

Wednesday, February 17, 2021

Time: **6:30 pm**

Place: **Mukwonago Municipal Building/ Board Room, 440 River Crest Court,
Mukwonago, WI 53149**

Call to Order

The Village President Winchowky called the meeting to order at 6:30p.m. located in the Board Room of the Mukwonago Municipal Building, 440 River Crest Ct., Mukwonago, WI 53149

Roll Call

Board Members Present

Daniel Adler
Eric Brill
Jim Decker
John Meiners
Roger Walsh
Fred Winchowky

Also Present

John Weidl, Village Administrator
Diana Dykstra, Village Clerk-Treasurer
Diana Doherty, Finance Director
Kevin Schmidt, Police Chief
Wayne Castle, Assistant Utilities Director
Ron Bittner, Public Works Director
Mark Blum, Village Attorney
Jerad Wegner, Village Engineer
John Fellows, Village Planner

Excused: Darlene Johnson

Pledge of Allegiance

Comments from the Public

Cynthia Eggleston with "Circle of Friends" was present regarding their application for conditional use. She read a letter from the local food pantry to the Board in support of their project. She noted that they both support the mission and help the community and donors for this area. They requested support for this development.

David Boebel, 815 Parkview Ln., noted that on Section 10.4 regarding Turn Out Gear states it only goes half way to replace the turn out gear. He noted they have a surplus of over \$50,000 and he is concerned about the safety of the department since future revenues are difficult to predict. In reference to the closed session for the Village to purchase property, he noted that DPW is asking taxpayers to borrow with no indication of need to support master plan. He feels this purchase of property is similar to MOPS stage issue which the Village demonstrate necessity and cannot afford. He noted that the Village has not shown the ability to repay debt. He stated the Village spending needs to stop.

Presentations

Presentation of a Proclamation honoring Alexander Scott Ferguson on his achievement of the rank of Eagle Scout in Troop #363.

President Winchowky read and presented Alexander Scott Ferguson with a proclamation in honor of his achievement.

Consent Agenda

All items listed are considered routine and/or have been unanimously recommended by the Committee of the Whole and will be enacted by one motion. There will be no separate discussion of these items unless a Board member so requests, in which event the item will be removed from the Consent agenda and be considered on the regular agenda.

6.1 Approve Minutes of the Regular Village Board Meeting of January 20, 2021.

6.2 Approve Vouchers in the amount of \$4,369,910.56.

6.3 Denial of an application for operator's license for Cameron Schroeder.

6.4 Approve **Resolution 2021-04** A Resolution to adopt the official seal for the Village of Mukwonago.

Walsh/Adler motion to reconsider vote on Resolution 2021-02 from the January 20, 2021 Regular Village Board Meeting.

Roll Call: "Yes" Trustee Adler, Meiners, Walsh, Winchowky. "No" Trustee Brill and Decker. Motion carried 4-2. It was noted this item will appear on the next Village Board Agenda.

Meiners/Brill motion to approve Consent Agenda items 6.1 to 6.4. Unanimously carried.

Planning Commission Recommendations

Discussion and possible action to approve RESOLUTION 2021-05 a Resolution to approve a Conditional Use Permit for a request for a thrift store (secondhand store) for Circle of Friends Mission Thrift Shoppe Inc, Applicant; 851 Greenridge Center; Parcel MUKV 1970-988-005; Greenwald Family Limited Partnership, Owner, with conditions as recommended by the Plan Commission.

Decker/Brill motion to approve **RESOLUTION 2021-05** a Resolution to approve a Conditional Use Permit for a request for a thrift store (secondhand store) for Circle of Friends Mission Thrift Shoppe Inc, Applicant; 851 Greenridge Center; Parcel MUKV 1970-988-005; Greenwald Family Limited Partnership, Owner, with the following conditions as recommended by the Plan Commission:

- a. The property owner must submit site/architectural plans to the Village for review and obtain approval of the same within 9 months of the date of this decision.
- b. The property owner must accept the terms and conditions of this conditional use order in its entirety in writing within 6 months of the date of this decision. Prior to such expiration, the property owner may request an extension to this time period and the Village Clerk may approve an extension with good cause.
- c. This order must be recorded against the subject property in the Waukesha County register of deeds office (only if subsections 3(a) through 3(b) have been satisfied).

In the event the requirements enumerated in subsections 3(a) and 3(b) above are not satisfied, this order shall automatically be null and void without any further action by the Village of Mukwonago on the aforementioned date.

The following conditions shall constitute an ongoing obligation:

- a. The authorized use shall not be conducted in such a way so as to exceed on-site parking.
- b. The authorized use shall not be conducted in such a way so as to violate fire-related building capacity standards established by the local fire department or the state of Wisconsin.
- c. The authorized use shall not be conducted in such a way so as to constitute a public or private nuisance as determined by the Plan Commission.
- d. Potable water and sanitation must be provided and maintained.
- e. The Plan Commission may unilaterally amend an approved site plan/plan of operation by revising existing provisions or adding new provisions. Such amendment shall be limited in scope to address negative impacts the use is having on surrounding properties and/or the public health, safety, and welfare.
- f. The use of the subject property shall at all times be in compliance with all applicable laws, rules, regulations or orders, and ordinances of the federal government, State of Wisconsin, Waukesha County, and Village of Mukwonago.
- g. All buildings on the subject property shall comply with all applicable building requirements as may be adopted by the Village of Mukwonago or the state of Wisconsin.
- h. The subject property must be in a clean and neat appearance as determined by the Plan Commission.
- i. The property owner shall obtain and maintain all licenses for the operation of this facility, as may be required by the Village or the State of Wisconsin.
- j. The Secondhand store shall operate between the hours of 7am and 10pm.
- k. Drop off and collections locations shall be limited to
 - a. Drop offs within the store during posted operating hours,
 - b. At the rear of the building at the overhead door / man door location during posted operating hours.
- l. Drop off items and collections shall not occur outside of posted operating hours. Signs shall be posted at the main entrance and rear door indicating that the dropping off of items outside of normal operating hours is prohibited.

Motion Unanimously carried.

Discussion and possible action to approve RESOLUTION 2021-06 a Resolution to approve a Site Plan and Architectural Review for Circle of Friends Mission Thrift Shoppe Inc, Applicant; 851 Greenridge Center; Parcel MUKV 1970-988-005; Greenwald Family Limited Partnership, Owner, with conditions as recommended by the Plan Commission.

Decker/Meiners motion to approve RESOLUTION 2021-06 a Resolution to approve a Site Plan and Architectural Review for Circle of Friends Mission Thrift Shoppe Inc, Applicant; 851 Greenridge Center; Parcel MUKV 1970-988-005; Greenwald Family Limited Partnership, Owner, with the following conditions as recommended by the Plan Commission:

1. Prior to any land disturbing activity, the applicant must submit a complete and final set of plans to the Village planner. All Village department heads must verify in writing whether they have approved the final plans within their purview. Any outstanding matters must be resolved to staff's satisfaction.
2. Prior to any land-disturbing activity, a pre-construction meeting must be held with the applicant's representatives and primary contractors, and Village department heads and representatives.
3. Prior to any land-disturbing activity, the applicant must reimburse the Village for any outstanding charges and establish an escrow account with the Village as may be required.
4. The applicant must obtain all required building permits within nine months of this date, and start construction within six months of the date of building permit issuance and continue in good faith to completion.
5. All work related to this project must comply with all project plans approved by the Village.
6. The developer must comply with all requirements related to impact fees imposed by the Village.
7. The developer shall comply with all parts of the Municipal Code as it relates to this project.
8. If the approved plans need to be revised to address any of the conditions of approval or to conform to Building and Fire Safety Codes, the Zoning Administrator and the Supervisor of Inspections are authorized to approve minor modifications so long as the overall project elements remain unchanged. If they determine that the revision is substantial, the plans must be submitted to the Plan Commission for review and approval.
9. The applicant applies for and receiving approval for all new signage on the tenant location,
10. Repairing the landscaping bed and replacement of shrubs on the south side of the building/tenant space, prior to the end of Spring 2021.
11. Any future exterior modification to the tenant space (doors, windows, canopies, painting) shall require Site Plan and Architectural Review.
12. Any future modification to the site such as modification of parking, lighting, grading, retaining walls, fences, etc. shall require Site Plan and Architectural Review.
13. All relevant building codes must be met before occupancy is issued.

Motion carried Unanimously.

Finance Committee, Trustee Meiners

Discussion and possible action to approve Vouchers in the amount of \$113,898.52.

Meiners/Decker motion to approve Vouchers in the amount of \$113,898.52. Unanimously carried.

Public Works Committee, Trustee Brill

Consideration of an approval to Release the Restriction on remaining lots in the Fairwinds Subdivision.

Brill/Meiners motion to approve a Release the Restriction on remaining lots in the Fairwinds Subdivision. Unanimously carried.

Protective Services, Trustee Adler

Police Report for the Month of January 2021

This was for information purposes only, no action was required.

Fire and Ambulance Department reports through January 31, 2021

This was for information purposes only, no action was required.

Discussion and possible action on Joint Fire Agreement Revisions.

Trustee Adler noted at the PSC they discussed the Jt. Fire Agreement revisions which were correcting the statutory provisions, setting inspections as the law provides, changing non-voting members to liaisons, and eliminating an age restriction. This item will come back in final form after Attorney review.

President Winchowky questioned on section four of the cover sheet it notes there will be need for additional fire inspectors to meet their obligations. He wanted to confirm they were not hiring additional personnel. Trustee Adler noted the language only allows for the change in frequency of the inspections so they can meet their obligations.

Adler/Meiners motion to approve the revisions to include in the final Joint Fire Agreement with the Town of Mukwonago.

Unanimously carried.

Discussion and possible action to use funding from 2020 settlement for turnout gear in the amount of \$40,000.

Trustee Adler noted the Fire Department is behind on turn out gear. Each set is about \$2,500 and this was a recommendation from the Chief.

Trustee Decker questioned why Turn Out Gear is not budgeted for annually.

Finance Directory Doherty noted he does try to replace annually in regular operating costs as necessary, and the Chief did recommend this amount for replacement.

President Winchowky questioned after reading the request, he felt that purchasing all of these at the same time would require replacement in the future at the same time, and he asked what is the anticipated plan moving forward for replacement.

Trustee Adler noted that Turn Out Gear has been pushed off by the Department and about 50% has been replaced that was necessary and it has a lifetime of (10) years, and they can move to a set schedule moving forward for replacement.

Trustee Decker felt this needs to be an annual line item for the budget.

Finance Directory Doherty noted that the Department was \$242,000 over on revenues collected and this is the use they recommend.

Adler/Decker motion to approve the use funding from 2020 settlement for turnout gear in the amount of \$40,000. Unanimously carried.

Discussion and possible action to use funding from 2020 Settlement to purchase EVP at Pearl and N Rochester Street in the amount of \$5,500.

Trustee Adler noted this is for the stop and go traffic lights for interrupters and it will be funded from the additional revenue received.

Chief Schmidt noted once 83/LO is installed then all the lights will be installed. This is ½ funded by the Police Department and has already been budgeted in the 2021 Budget.

The cost here is only for the Fire Department portion.

Adler/Brill motion to approve use of funding from 2020 Settlement to purchase EVP at Pearl and N Rochester Street in the amount of \$5,500. Unanimously carried.

Discussion and possible action on 2020 Fire Department Joint Settlement and funding of proposed reserves.

Finance Director Doherty noted that each year there is a settlement between the Town and the Village for the Fire Department. There was an error found after the Joint PSC meeting on Monday and a new document was presented to the Trustees. The total was \$263,000 over revenues and it includes a \$150,000 Pro Health donation which is retained for future use, \$40,000 will be used for Turn Out Gear and \$5,500 will be used for EVP. They would like to use the rest to fund the sick leave reserve payout at 100%.

Adler/Meiners motion to approve the 2020 Fire Department Joint Settlement and funding of proposed reserves. Unanimously carried.

Discussion and possible action on proposed Budget Amendment for the 2020 Budget, and authorize the Finance Director to draft a budget amendment.

Finance Director Doherty noted that a revised report was distributed to recognize the additional revenue and this will come to the next Committee of the Whole as a Budget Resolution. The Town has approved this.

Adler/Meiners motion to approve a proposed Budget Amendment for the 2020 Budget, and authorize the Finance Director to draft a budget amendment. Unanimously carried.

Closed Session

Decker/Meiners motion to go into Closed Session pursuant to Wis. Stats. § 19.85(1)(e) (Deliberating or negotiating the purchasing of public properties, the investing of public funds, or conducting other specified public business, whenever competitive or bargaining reasons require a closed session) for negotiation with St. James Parish, and proposed amendment to the Hill Court Partner Option and related developer agreement, and pursuant to Wis. Stats § 19.85 (1) (g) (Conferring with legal counsel who either orally or in writing will advise governmental body on strategy to be adopted with respect to current or likely litigation) concerning enforcements of the Stormwater Management Plan and Maintenance Agreement for Box Self Storage at 7:14pm.

Roll Call: "Yes" Trustee Adler, Brill, Decker, Meiners, Walsh, Winchowky. Unanimously carried.

Reconvene into Open Session

Decker/Meiners motion to reconvene into open session pursuant to Wis. Stats. §19.85(2) at 7:56pm. Roll Call: "Yes" Trustee Adler, Brill, Decker, Meiners, Walsh, Winchowky. Unanimously carried.

Brill/Decker motion to approve a settlement agreement regarding the repair of the Stormwater Pond for Box Self Storage, as outlined by the Village Attorney. Unanimously carried.

Adjournment

Meeting was adjourned at 7:56pm.

Respectfully Submitted,

Diana Dykstra, MMC
Village Clerk-Treasurer